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LORI A. KOWALSKI

MARVIN L. SHARP

OF COUNSEL

GREGORY C. STOCKARD (1904-1993)

PHIL HAUCK (1924-1991)

September 15, 1999

Mr. Dale Hardy Roberts  
Chief Administrative Law Judge  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, MO 65102

FILED<sup>2</sup>

SEP 15 1999

Re: TT-99-428, et al

Missouri Public  
Service Commission

Dear Mr. Roberts:

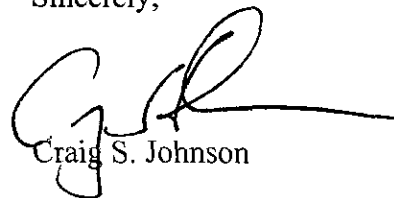
Enclosed for filing please find an original and fourteen (14) copies of the Mid-Missouri Group's Motion to Compel Responses from Southwestern Bell Telephone Company.

Also for filing, an original and fourteen (14) copies of the Mid-Missouri Group's Motion to Compel Answers to Data Requests from AT&T Wireless is enclosed. And finally, enclosed for filing please find an original and fourteen (14) copies of the Mid-Missouri Group's Motion to Compel Answers to Data Requests from Southwestern Bell Wireless.

I have this date sent a copy of same to all attorneys of record.

Thank you for seeing this filed.

Sincerely,



Craig S. Johnson

Enclosures

cc: Office of Public Counsel  
General Counsel  
Mr. Charles W. McKee  
Mr. Paul S. DeFord  
Mr. W. R. England, III / Mr. Brian T. McCartney  
Ms. Jeanne A. Fischer  
Mr. Paul Lane / Mr. Leo Bub

CSJ/gmm

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SMITHVILLE, MISSOURI 64089  
816-532-3895  
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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

FILED<sup>3</sup>

SEP 15 1999

Missouri Public  
Service Commission

In the Matter of Alma Telephone  
Company's Filing to Revise it's Access  
Service Tariff, PSC Mo. No. 2

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)

Case No. TT-99-428, et al

**MID-MISSOURI GROUP MOTION TO COMPEL  
RESPONSES FROM SOUTHWESTERN BELL TELEPHONE COMPANY**

COMES NOW the Mid-Missouri Group and hereby moves to Compel Responses to data requests submitted by the Mid-Missouri Group to Southwestern Bell Telephone Company, and in support hereof states the following:

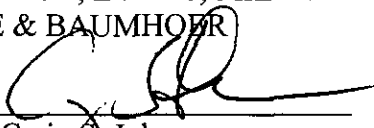
1. The Mid-Missouri Group served data requests on SWB on July 27, 1999, a copy of which are attached hereto and incorporated by reference as Appendix A.
2. On July 29<sup>th</sup>, SWB interposed objections to data request number 3. A copy of SWB's objection number 3 is attached hereto as Appendix B; also attached hereto is SWB's response to number 3, which purports to require the Mid-Missouri Group to obtain this data from SWB personnel, presumably in St. Louis.
3. On August 6<sup>th</sup>, counsel for the Mid-Missouri Group responded to the objections of Southwestern Bell, attempting to accommodate a certain number of the objections, which the letter is attached hereto as Appendix C.
4. The Mid-Missouri Group hereby moves for a Motion to Compel SWB to fully respond to data requests number 3 regarding CLEC originating traffic that terminates in Mid-Missouri Group exchanges, (excluding the amount of revenue SWB receives for such CLEC traffic). A Protective Order has been entered by the

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Commission, and any objections based upon proprietary or confidential status of the CLEC data is no longer a reason to not produce the data itself to counsel for the Mid-Missouri Group. The Mid-Missouri Group requests the Commission order SWB to produce the material on paper to counsel rather than being unreasonable and obstructive in requiring that "arrangements to view the material can be made by calling Kevin Selsor at 314-331-2828". Finally, the Mid-Missouri Group requests that the Commission order SWB to provide the data requested to counsel for the Mid-Missouri Group no later than September 30, 1999.

ANDERECK, EVANS, MILNE  
PEACE & BAUMHOER


By

  
\_\_\_\_\_  
Craig S. Johnson  
MO Bar # 28179  
Hawthorn Bldg. - 3rd Floor  
305 East McCarty Street  
P.O. Box 1438  
Jefferson City, MO 65102  
Telephone: 573/634-3422  
Facsimile: 573/634-7822

ATTORNEYS FOR MID-MISSOURI GROUP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed, U. S. Mail, postage pre-paid, this 15<sup>th</sup> day of September, 1999, to all attorneys of record.

  
\_\_\_\_\_  
Craig S. Johnson

ANDERHECK, EVANS, MILNE, PEACE & BAUMHOER

ATTORNEYS AT LAW

305 EAST McCARTY STREET

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JEFFERSON CITY, MISSOURI 65102-1438

TELEPHONE 573-634-3422

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**FAXED**  
July 27, 1999

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CRAIG S. JOHNSON

RODRIC A. WIDGER

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MARVIN L. SHARP

OF COUNSEL

GREGORY C. STOCKARD (1904-1993)

PHIL HAUCK (1924-1991)

VIA FACSIMILE

314=331=2193

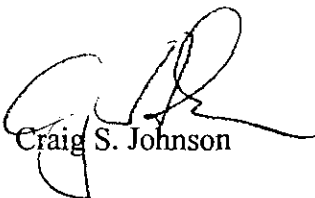
Mr. Leo Bub  
Counsel – Southwestern Bell  
One Bell Center, Room 3518  
St. Louis, MO 63101

Re: TT-99-428 et al.

Dear Mr. Bub:

Enclosed please find the corrected Data Requests that I sent to you. They have been changed to include the entire Mid-Missouri Group.

Sincerely,

  
Craig S. Johnson

CSJ/njn/Enc.  
cc:

Mr. Michael Staudt  
Choctaw Telephone Company  
P.O. Box 82  
221 West Main  
Halltown, Missouri 65664

Mr. Ray Ford  
NE Missouri Rural Telephone Company  
Modern Telecommunications  
Route 3, 718 South West Street  
Green City, Missouri 63545

Dave Jones  
Mid-Missouri Telephone  
P. O. Box 38  
Pilot Grove, MO 65276-0038

Mr. Oral Glasco  
Alma Telephone Co.  
206 S. County Road  
Alma, MO 64001

William Biere  
Chariton Valley Telephone Corp.  
P. O. Box 470  
Bucklin, MO 64631

Donald D. Stowell  
MoKan Dial, Inc.  
P. O. Box 429  
Louisburg, KS 66053-0429

Maurice Bosserman  
Peace Valley Telephone Company, Inc.  
P. O. Box 9  
Peace Valley, MO 65788

CASE NO. TT-99-428 ET AL.

MID-MISSOURI GROUP  
DATA REQUEST NO. 1

Requested from: Southwestern Bell Telephone Company

Date Requested: July 26, 1999

Since the effective date of the Telecommunications Act of 1996, has your company transported, switched, or transited any telecommunications traffic originated by a Commercial Mobile Radio Service Provider or by a Competitive Local Exchange Company, all or any part of which traffic was destined to be terminated on the facilities of an incumbent local exchange company serving as a secondary carrier under the terms of the Primary Toll Carrier Plan?

Requested by: Craig S. Johnson

Information Provided:

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Mid-Missouri Group request the above data/information pursuant to Rule 4 C.S.R. 240-2.090.

The information provided to Mid-Missouri Group in response to the above data request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform Mid-Missouri Group if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

Date Response Received: \_\_\_\_\_

Signed By: \_\_\_\_\_

Prepared By: \_\_\_\_\_

CASE NO. TT-99-428 ET AL.

MID-MISSOURI GROUP  
DATA REQUEST NO. 2

Requested from: Southwestern Bell Telephone Company

Date Requested: July 26, 1999

If your answer to Data Request No. 1 is in the affirmative, for all such wireless traffic please state the amount received from each such originating carrier by month terminating to each and every secondary carrier, by exchange, from the effective date of the Telecommunications Act of 1996 to October 20, 1999.

Requested by: Craig S. Johnson

Information Provided:

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Mid-Missouri Group request the above data/information pursuant to Rule 4 C.S.R. 240-2.090.

The information provided to Mid-Missouri Group in response to the above data request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform Mid-Missouri Group if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

Date Response Received: \_\_\_\_\_

Signed By: \_\_\_\_\_

Prepared By: \_\_\_\_\_

CASE NO. TT-99-428 ET AL.

MID-MISSOURI GROUP  
DATA REQUEST NO. 3

Requested from: Southwestern Bell Telephone Company

Date Requested: July 26, 1999

If your answer to Data Request No. 1 is in the affirmative, for all such CLEC traffic please state the amount received from each such originating carrier by month terminating to each and every secondary carrier, by exchange, from the effective date of the Telecommunications Act of 1996 to October 20, 1999.

Requested by: Craig S. Johnson

Information Provided:

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Mid-Missouri Group request the above data/information pursuant to Rule 4 C.S.R. 240-2.090.

The information provided to Mid-Missouri Group in response to the above data request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform Mid-Missouri Group if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

Date Response Received: \_\_\_\_\_

Signed By: \_\_\_\_\_

Prepared By: \_\_\_\_\_



CASE NO. TT-99-428 ET AL.

MID-MISSOURI GROUP  
DATA REQUEST NO. 4

Requested from: Southwestern Bell Telephone Company

Date Requested: July 26, 1999

Have you destroyed any records or data from which the information requested in preceding Data Request No. 2 or 3 could be obtained? If so, please state the dates such records or data were destroyed and the inclusive dates such destroyed data or records would have included

Requested by: Craig S. Johnson

Information Provided:

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Mid-Missouri Group request the above data/information pursuant to Rule 4 C.S.R. 240-2.090.

The information provided to Mid-Missouri Group in response to the above data request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform Mid-Missouri Group if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

Date Response Received: \_\_\_\_\_

Signed By: \_\_\_\_\_

Prepared By: \_\_\_\_\_



July 29, 1999

Mr. Craig S. Johnson  
Andereck, Evans, Milne,  
Peace & Baumhoer  
305 E. McCarty, Third Floor  
P.O. Box 1438  
Jefferson City, Missouri 65102

Re: Discovery Requests - Case No. TT-99-428, et al.

Dear Craig:

I am writing to convey our objections to three of the four Data Requests you sent to us on July 26, 1999 (and which you twice revised and resent on July 27, 1999).

With respect to DR No. 2, we object to providing the requested information on cellular traffic terminated prior to February 6, 1998 (the date our revised cellular tariff became effective). With the exception of Chariton Valley and Mid-Missouri Telephone Companies, we have settled all claims on this traffic with your group. And with respect to Chariton Valley and Mid-Missouri, the Commission has already addressed this traffic in Case Nos. TC-98-251 and TC-98-340. (And in any event, we have already provided you with all the information we have on that cellular traffic for this period, which is what you used to bring these two claims against us). For the period after February 6, 1998, we are currently providing the information you have requested to your clients through the Cellular Transiting Usage Summary Reports which are sent out monthly. Since this information is already in your clients' hands, we should not be required to duplicate this effort (however, we would be willing to go back and retrieve copies of any specific CTUSR reports any of your clients may have misplaced and to supply them to you). Further, we do not see the relevancy of these reports since the Commission has already reviewed and approved of their use in Case No. TO-97-524. We also believe your request for information about cellular traffic terminating in other carriers' exchanges is overbroad and would have no relevance to claims your clients might have.

With respect to DR No. 3, we believe that part of your request is irrelevant, overbroad and burdensome. We are certainly willing to answer concerning CLEC originated traffic that transits our facilities and terminates in each of your clients' exchanges. However, if your request is seeking information about revenue we receive, we believe such request would be irrelevant since we only recover for the transiting function we provide. In addition, we do not believe you are entitled to data pertaining to traffic that terminates in other carriers' exchanges. We do not see how that information would be relevant to any claims your clients might have.

We also believe that the objections asserted to DR Nos. 2 and 3 would also apply to DR No.4. But without waiving those objections, we are not aware of any such data's destruction.

Mr. Craig Johnson  
July 29, 1999  
Page 2

If you have questions or would like to discuss our objections, please call me at your convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read "Leo J. Bub". The signature is stylized with a large, cursive "L" and "B".

Leo J. Bub



August 16, 1999

Mr. Johnson:

Re: Case No. TT-99-428 Data Requests

Attached are SWBT's responses to Mid-Missouri Group's first set of data requests numbered one through four in the case referenced above. If you have any questions Kevin Selsor can be reached on 314-331-2828.

A handwritten signature in black ink, appearing to read "David Osborn". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Osborn

Q: IF YOUR ANSWER TO DATA REQUEST NO. 1 IS IN THE AFFIRMATIVE,  
FOR ALL SUCH CLEC TRAFFIC PLEASE STATE THE AMOUNT RECEIVED  
FROM EACH SUCH ORIGINATING CARRIER BY MONTH TERMINATING TO  
EACH AND EVERY SECONDARY CARRIER, BY EXCHANGE, FROM THE  
EFFECTIVE DATE OF THE TELECOMMUNICATIONS ACT OF 1996 TO  
OCTOBER 20, 1999.

A: See SWBT's July 29, 1999 objection to DR No. 3. Subject to  
that objection SWBT states:

SWBT considers the requested material to be Highly  
Confidential. Arrangements to view the material can be made  
by calling Kevin Selsor on 314-331-2828.

SWB does not have the requested data from the effective date  
of the Telecommunications Act of 1996 through December 1996.

From January 1997 through May 1999 there were zero minutes  
reported to SWB by CLECs that terminated to these companies.  
Highly Confidential worksheets for June and July 1999 data

MO PSC Case No. TT-99-428  
Data Request No. 3  
First Set of Requests  
Mid-Missouri Group  
Page 2 of 2

are available for review.

Responsible Person: Betty Ann Fuess  
One Bell Center 32-E-07  
St. Louis, MO 63101

ANDERHECK, EVANS, MILNE, PEACE & BAUMHOER

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MATTHEW D. TURNER

LORI A. KOWALSKI

MARVIN L. SHARP

OF COUNSEL

GREGORY C. STOCKARD (1904-1993)

PHIL HAUCK (1924-1991)

August 6, 1999

Mr. Leo Bub  
Counsel-Southwestern Bell  
Telephone Co.  
One Bell Center, Room 3518  
St. Louis, MO 63101

Re: Mid Missouri Group Data Request, Case No: TO-99-593 and TT-99-428

Dear Leo:

Thank you for your letter of July 29 outlining your position on MMG Data Request Number 1 - 4, as finally sent on July 27.

I am content to wait until Southwestern Bell has been made a party before you consider the data requests received in TT-99-428.

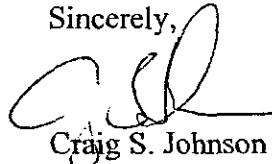
With respect to your objection Data Request No. 2, I agree that you do not need to provide me with the data requested for the MMG members. However, we do want to have that data for other SC's. Data pertaining to the MMG has routinely been given to the STCG. I will move for a protective order to assure that any proprietary or confidential data is protected.

With respect to Data Request No. 3, we do want all minutes of use of CLEC originated traffic that transits your facilities and terminates to any SC, including the STCG exchanges. I am not interested in Southwestern Bell revenue information, as the word "amount" was intended to refer to the minutes of usage. Again I will move for a protective order.

This docket was established by the Commission, and we are not presenting any "claims". I do believe the data requested is pertinent to the types and amounts of traffic which are being transited and terminated, which I believe is the very heart of this proceeding.

Hopefully this letter will adequately address the concerns expressed in yours of July 29. If it does not, and you plan to continue to refuse to provide the data requested, as modified above, please let me know that.

Sincerely,



Craig S. Johnson

CSJ/ksw

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